

Approved
Summary of the South Florida Ecosystem Restoration
Task Force conference call on the
Strategic Plan/Biennial Report
August 3, 2004

Ms. Albright convened the conference call at 11:00 AM. She welcomed all the participants noting the purpose was to discuss the third draft of the Strategic Plan.

The following members were present:

Marti Albright, Chair, U.S. Department of the Interior
Colleen Castille, Vice-Chair, Secretary, Department of Environmental Protection (DEP)
Henry Dean, Executive Director, South Florida Water Management District
Andrew Emrich, Counselor to the Assistant Attorney General, U.S. Department of Justice
Roman Gastesi for Jose Diaz, Commissioner, Miami Dade County
Mack Gray, Deputy Undersecretary, U.S. Department of Agriculture
Benjamin Grumbles, Acting Assistant Administrator for Water, U.S. Environmental Protection Agency
Dexter Lehtinen, Special Assistant, Miccosukee Tribe of Indians
Robert Mariner for Linda Lawson, Director, Office of Safety, Energy and Environment
Peter Ortner for Timothy Keeney, Deputy Assistant Secretary, U. S. Department of Commerce
Patty Power for Jim Shore, Chairman, Seminole Tribe of Florida
Earl Stockdale for John Paul Woodley, Jr. Assistant Secretary of the Army for Civil Works

Mr. May reviewed the ground rules and noted the call was being web cast over the internet. He provided a brief history of the various versions of the Strategic Plan. In 1999 the Task Force was asked to develop a strategic plan. The first plan was published in 2000. In 2001 the Task Force was asked to improve the plan. One of the improvements dealt with linking the strategic goals and projects (output oriented actions in Government Performance and Results Act [GPRA] language) with restoration outcomes (outcome oriented goals). Several improvements were incorporated into the 2002 document which combined the strategic plan and biennial report.

Ms. Lorion said the tribe had made suggestions to delete certain sentences and they were not sure if those have been deleted or if they had to move to have them deleted. Mr. May explained that in accordance with the Task Force request changes to the previous drafts were reflected in a line-in/line-out format. If the language is still in this third draft, then it needs to be discussed. Ms. Lorion requested to add STA 3/4 to the agenda (page 87). Ms. Castille asked for the definition of consensus that they need to work with. Mr. May stated that their policy is to strive for a unanimous position but if that is not possible, then a 2/3 majority vote is required for a final action. Mr. May asked that minor editorial changes be sent via e-mail so that the call could be used to discuss substantive issues. He noted for clarification that on the subgoal 3b flood protection issue that the heading begins on page 53 but the language in question starts on page 57.

Indicators of success – existing versus improved (pages 23, 65 and 99)

Mr. May explained that indicators are ecological and biological in nature and are consistent with the outcome oriented GPRA language. These indicators have been reported by the Task Force in 2000 and 2002. The first issue for discussion is the decision to use the existing indicators with caveats versus using improved indicators. Mr. Ortner said there are two issues. First the language needs to be clarified to make the difference between the use of these present indicators and their deficiencies versus where they expect to get to. In some cases they can make specific improvements right now such as in Florida Bay. In other cases there is some confusion between the RECOVER interim goals and these interim goals and he provided some language. Specifically he was interested in the goals used to assess progress towards restoration. Information for the CERP portion would come from the Monitoring and Assessment Plan. The monitoring would indicate if we are moving in the right direction, tell us if things are getting better or worse. Many people do not understand that that is only a small part of the interim goals progress and what they are really targeting are goals that have quantitative models that can be used to predict success in the

future. Tools that can say where we will be in five, ten, fifteen and twenty years. It is not an assessment of where we are today based on actual data. That is a fundamental confusion that we need to make sure everyone understands. Mr. May agreed and clarified that the indicators in the draft report were based on a 1999 baseline report for the CERP with the exception of the indicator for threatened and endangered species. He thought we needed to be clear whether we were talking about disagreement with the actual indicator, the target or the evaluation of that target. He also recommend that the Task Force take the information from CERP and RECOVER once approved and ask the Science Coordination Group to evaluate it for consideration in updating the indicators in the Strategic Plan and Biennial Report.

Ms. Lorion said the Miccosukee Tribe has made clear that they would support only the use of hydrological restoration performance measures that were actually used in the RESTUDY document. It is premature for the Task Force to use things that have not been through that public and peer review process. Mr. Stockdale said he noticed Mr. May used the word “target” and asked whether we are using the terms “targets” and “goals” correctly. Are they distinguishing between what they are trying to do in CERP and outside of the CERP. Mr. May said they do have a vocabulary challenge with that issue and it was addressed at the last SCG meeting. He stated the staff has developed a matrix that shows the different documents, i.e., Programmatic Regulations, Strategic Plan and Biennial Report that identifies the same words used with different meanings. The language they have been using for performance measures, indicators and targets in the Strategic Plan has been consistently used since 2000. Mr. Ortner said he understood where the tribe is coming from and the practical utility of just sticking to the hydrological indicators. On the other hand there might well be a political fallout and cost at this juncture if they change in midstream. He recommended using substantial qualifying language and adopting a process of improving them but not wholesale elimination of the present indicators. It would look funny to some readers.

Mr. May reviewed the points of discussion. The current indicators are not peer reviewed and everyone is interested in getting indicators that are peer reviewed. RECOVER is making a lot of progress with CERP indicators. His recommendation would be that the Task Force ask the SCG to look at that work and revise the indicators for inclusion in the Strategic Plan and Biennial Report. The decision they needed to make today is to qualify the existing indicators and revise them in the future or do we take them out. Ms. Lorion asked whether they have gone to the SCG. Mr. May noted many of the SCG members are on RECOVER and are very aware of the information. He also noted that these RECOVER documents are going through the process now and are not ready for inclusion in this report. They would be ready for the next version of the report in 2006. Mr. Ortner clarified there are two processes ongoing in RECOVER. One process has to do with the CERP interim goals and targets and is in the peer review process. A workshop and meeting with the peer reviewers will be coming up next month. That is scheduled to be completed the end of next month. The second process is on those interim goals and target items are a small subset of the performance measures that were selected both because they are representative of the larger set and second and equally important, because they have relatively well developed models that will allow us to predict five, ten, fifteen and twenty years. These would allow a rolling forecast situation. The larger set that we would call the full set of performance measures on which the MAP of CERP is based are out for public comment and review right now. This is another independent effort that is underway as part of the Adaptive Assessment Team. They MAP has already completed that process which was based on the performance measures and is a final document.

Ms. Lorion said that the indicators in the draft have not gone through an open public process. Ms. Castille said Mr. Ortner has just described an open public process. Mr. May said they all look forward to the completion of the RECOVER process, but that it will not be completed in time for inclusion in this report. It should be considered for inclusion in the next report. Ms. Allbright said it is clear that the public process has not been completed on the indicators in the draft and she would think that the qualifying language should be clear not only that we plan to revise these in the future to correspond with indicators that have been through a full peer science, vetting and public process but that the current indicators should not be relied upon by anyone other than from an interest standpoint. We won't know until RECOVER and SCG come back and report. Mr. Dean suggested that since there is an ongoing peer review of the RECOVER indicators and since there will be a clear disagreement between the SFWMD and the Miccosukee Tribe over whether to include biological indicators, the SFWMD feels strongly biological should be included, he suggested they take it out of the report all together and replace it with a description of how they are all

proceeding and how they will address this in the next report. His concern is that there may be information included now that they may determine to be incorrect or inconsistent at a future date. As of all of us know as far as actual in the ground construction, we are a long way from there. Ms. Lorion said that was the Miccosukee tribe's suggestion in their written comments. Mr. Stockdale said he concurred with that recommendation. Ms. Castille said it was a good suggestion. Mr. Ortner suggested adding to be clear in this description that the process we are looking to in RECOVER is deliberately only dealing with the CERP relevant subset indicators. Mr. Dean concurred.

Mr. May said they will need to address the departure from the 2000 and 2002 report and his office can draft new language for review. Mr. Ortner said they did not want people to believe they were losing sight of the goal is since people are expecting ecological restoration. They need to deal with it directly or people will think they are backing away from that. Ms. Allbright concurred and added that that is not the impression they want to give the public. She asked that the revised language used to describe the process explain that we are going through a scientific process and they want to ensure that the indicators are based on sound science and have been peer reviewed and vetted. Ms. Patty Power said we needed to be concerned with the public's impression of how this is all going but this report is going to Congress, the State Legislature and the Councils of both tribes. We have heard from them before that they are not interested so much in changing the way the canals go but they are interested in the restoration results. She agrees with the Miccosukee tribe's concerns about the use of indicators and the potential to set ourselves up for failure with the wrong indicators. The language the staff prepares needs to be careful to explain why we have departed from where we've been before and that that does not indicate any backing down in the long term goals. Ms. Allbright agreed. Ms. Lorion added that the tribe expects ecological restoration to come from hydrological restoration. Ms. Castille said that it may look to the public like we are taking the ecological goals out of the plan. As long as we have language explaining what we are doing, then she still agreed with Mr. Dean's recommendation. Mr. May said he would take a stab at drafting some language and get it out to members for review.

Indicators of success – biological versus hydrological (pages 23, 65 and 99)

Mr. May noted that while there had been some overlapping discussion of biological indicators in the previous dialogue we needed to complete that issue. It was his understanding that the RECOVER information that the SFWMD and Corps were developing includes hydrological and biological indicators. Mr. Dean said that was correct. Mr. May noted the tribe's concerns about using ecological indicators and reiterated their desire to use only hydrological indicators, believing as we all do that changes in the hydrology will lead to a more natural and restored ecosystem. He asked for a sense of the Task Force on how they would like to see this addressed. Mr. Ortner clarified that when the RECOVER indicators are finished and the process has been peer reviewed, they will include both ecological and hydrological indicators. These approved indicators would be reviewed by the SCG to see which subset may be appropriate or not and which additions would be needed. The Task Force would want to consider inclusion of both categories as indicators. They are not precluding the discussion at this point and we are simply deferring that. Mr. May asked the Miccosukee Tribe whether they are asking that biological and ecological indicators never be used in the report. Ms. Lorion said it was the tribe's position that they strive for hydrologic changes and that would bring biologic changes. Ms. Allbright said it would be premature for the Task Force to take one position or the other. They want to wait until RECOVER and the SCG have had an opportunity to work through this issue and provide the Task Force with their recommendations. They could end up with any number of indicators and they won't know until the recommendation is made to the Task Force. Mr. Dean said that the basis of his recommendation was that the Miccosukee Tribe and the SFWMD clearly disagree on whether to include biological indicators and he suggested they postpone that debate until they have the information at a future date and he thought this was addressed in the earlier conversation.

Ms. Lorion said she was not sure about the progress made toward restoration starting on page 99. She was concerned about the red, yellow and green symbols to indicate status and said that it indicated that the sparrow had improved even though they are below the numbers and restoration has not yet started. Mr. May said they have to be consistent and if changes are made to the indicators in the Strategic Plan then compatible changes would be needed in the Biennial Report.

Mr. Roman Gastesi noted the text on page 10 regarding the history of ecosystem restoration and throughout the document does not include Biscayne Bay, Florida Bay and Indian River Lagoon when it talks about the estuaries. He asked that the establishment of Biscayne National Park and the Biscayne Bay Aquatic Preserve be included. Mr. Gastesi said Miami Dade County concurs with the District to leave the indicators out until it gets settled.

Indicators of Success – threatened and endangered species (pages 23, 65 and 99)

Mr. May noted the indicator on threatened and endangered species did not come from the CERP baseline report but was based on information from the Fish and Wildlife Service (FWS). Every year the FWS reports the status of federally listed threatened and endangered species. Ms. Lorion asked why 14 out of the 68 were picked. Mr. Ortner said RECOVER has had no specific discussions on that issue. Ms. Lorion, noting page 100, said they should strive for broad goals like recovering all of the endangered species that they can. The tribe has a big concern with the recent status and trends text on page 100 where a yellow light is used when it should be red. The Snail Kite is declining but FWS determined that four of the six sub populations have increased and she asked that all the grades be removed from the report. If there has been no restoration, how could it be graded? Mr. Gastesi said Miami Dade County would concur to leave it off. Mr. May said that the fourteen species came from an analysis by the FWS where they determined the species that would benefit from CERP implementation. The FWS uses a different scale when they report nationally. Using the Task Force scale he agreed that it should be red. As far as removing all the grades, he noted the request from a Congressional Committee based on a GAO report and said they would need to determine how they are going to come up with these measures and how they are going to evaluate progress. Although CERP has not started, there are other efforts well underway such as the Kissimmee River restoration and information indicates that birdlife is returning. Ms. Lorion suggested highlighting those projects, but asserted that subpopulation A of the sparrow would not benefit from the Kissimmee River restoration. She suggested looking at actual projects and added that the sparrow has not improved since jeopardy was declared in 1999. Mr. May said there were two separate issues, the overall indicators for ecosystem restoration and the specific actions that have taken place over the last two years. The FWS has said that the sparrow population is stable but not improving. The yellow was incorrectly interpolated based on the Fish and Wildlife reporting measure and he concurred that it should be red. Ms. Lorion made a motion to remove all grades from the species or tree islands. Ms. Allbright asked whether they would be getting any additional scientific information concerning threatened and endangered species that had been peer reviewed and vetted upon which they could base other indicators. Mr. Ortner said he could comment only on what RECOVER was doing. There are threatened and endangered species included in the list of proposed ecological indicators, they are being considered on a case by case basis to the degree to which they are considered to be sensitive to a fundamental change in the ecosystem and not from the perspective of, here is our responsibility for the sixty eight species, how well are we doing. Mr. Slack agreed and said the threatened and endangered species that RECOVER was considering were for their qualities as indicators rather than an measure of how we're progressing with recovery of threatened or endangered species. Ms. Allbright asked whether the FWS is putting something together that would serve a similar purpose but with respect to the entire array of endangered species. Mr. Slack said the indicators they are reporting was an attempt to do that at a broad level and the Biennial Report schedule did not mesh well with the GPRA reporting requirements they have nationally.

Ms. Castille said she was under the impression that the purpose of the report was to report on everything they are doing, not just related to CERP. Ms. Allbright agreed and said that is why she was asking about the other efforts they are undertaking independent of CERP. FWS scientific data would be helpful for the Task Force to have and would be important information to pass along to the public and Congress. Ms. Castille said there are a number of other things the SFWMD and DEP are doing with regards to the STAs. She was not sure why, as Ms. Lorion had suggested, they would put a boundary around the endangered species issues. Ms. Allbright agreed there are other activities that may have an impact either positively or negatively on threatened and endangered species. Mr. Slack said that under their GPRA reporting process, a species may be reported as improving but that does not imply a CERP component contributed. He thought that it was important to mark the baseline from which they are proceeding. Ms. Lorion said they are talking about two things, the baseline and progress towards restoration, and if progress is coming from something they are doing then Congress needs to know. Mr. May agreed that was a good point and is in fact what Congress and the public are looking for. He also agreed with Mr. Slack that we needed to

establish the starting point and how we intend to measure progress. He noted that none of the grades have changed from 2002 to 2004 and that at this point we all we are doing is indicating how we intend to measure progress in the future. There are three issues they need to address: actual progress over the last two years; defining the baseline; and how they are going to measure progress in the future. Mr. Ortnier said the fact of the matter is that the situation is better now than it was ten years ago, but it has nothing to do with intervention, they have had more favorable weather and that needs to be made clearer since the section title is misleading. Mr. May said they would come up with better headings to more accurately reflect what they are trying to communicate. His staff would take a stab at new language and get it out to everyone.

Short-term, interim management actions versus long range strategic goals (page 20)

Ms. Lorion noted the tribe's concern that it relates to IOP which may have helped one species at the expense of tribal lands, tree islands, endangered snail kite and things along WCA 3A. She was not sure how to word it but did not like the way it is currently worded. Ms. Power said she recalled this language being developed and it was getting at an issue, which the Seminole tribe shares with the Miccosukee tribe, that when you start to do restoration and restore the hydrology, there will be impacts to species. The Seminole tribe would not be in favor of deleting the language. Ms. Lorion said they agreed with the concept but are concerned that it could be construed to be an allowance to do things like IOP and offered to provide language. Mr. May noted the Miccosukee tribe will provide revised language for member consideration.

SFWMD Long-Term Plan (page 35)

Ms. Lorion made a motion to remove the highlighted text and added that they did not believe the Long Term Plan will help the Everglades meet water quality standards. Mr. Dean strongly opposed that motion and added that everyone knows the tribe and SFWMD strongly disagree. He suggested putting this up for a vote. Ms. Castille said she opposed the tribe's motion to eliminate it adding it is factual and to eliminate it would not acknowledge a huge piece of history. Mr. Stockdale asked whether the concern was that the highlighted sentence would be read as a statement that the plan will meet water quality standards as opposed to a statement that the plan is intended to ensure water quality standards will be met. Mr. May suggested the following text: "in March 2003 the SFWMD promulgated the conceptual plan for achieving long term water quality goals, the district's strategy for meeting water quality standards and the goals established ... in 2003." Ms. Lorion said the tribe is challenging the amended EFA and does not believe the Long Term Plan will meet those goals. Ms. Castille said that starts bringing politics into the document. Mr. Stockdale suggested making revisions to make it clear who the author and proponent of the plan is and what their hope and desire for the plan is without getting into arguments about whether the plan actually does that. It will be tested in court anyhow. Ms. Allbright observed that Mr. May's proposed language would clarify this and it is factual. Ms. Lorion said there in another section of the report where we talk about an environmental group suing over Lake Okeechobee and it is a fact that the Miccosukee Tribe has sued over the amended ESA as a violation of the Clean Water Act. Mr. Gene Duncan said he wondered whether it wouldn't be appropriate to include a discussion of the moderating provisions as to the state's ability to meet water quality standards. Mr. Dean said this gets into a permitting, legal discussion and disagreed with the need for it. He agreed with Mr. May's suggestion and did not have a problem with saying that it's the SFWMD's Long Term Conceptual Plan and they think it will be effective and they think it will meet its goals. He did not want to include any other language that raised the issue of litigation, everyone on the call is aware they are in litigation with the tribe. Mr. Dean said there has been a motion by Ms. Lorion which has not been seconded and he was ready to vote. Ms. Allbright noted that it appeared they could not reach consensus and that a roll call vote would be in order. Ms. Lorion clarified it was her motion to remove the two highlighted sentences about the Long Term Plan on page 35. **There was no second and motion failed for lack of a second.**

Mr. Ortnier made a motion to include substitute language as read by Mr. May, "In March 2003 the SFWMD adopted the Conceptual Plan for achieving long term water quality goals, the District Strategy for meeting water quality standards and the goals established in the Everglades Forever Act as amended in 2003. This Plan is referred to as the Long Term Plan." Mr. Dean clarified the Governing Board adopted the Long Term Conceptual Plan in March 2003 and the Florida Legislature ratified it. Ms. Lorion made a motion to add two additional sentences, "The tribe disagrees that the SFWMD's Long Term Plan will meet final water quality standards, including the numeric phosphorus criterion, and is challenging the amended

Everglades Forever Act which adopted the Long Term Plan as the moderating provision in the Clean Water Act case in federal court.” Mr. Dean said the title of this paragraph is how this sub goal would be implemented and the tribe’s motion has nothing to do with the title. Ms. Albright suggested taking the motions separately. Mr. Gray seconded Mr. Ortner’s motion to include Mr. May’s substitute language. **Roll call vote: Ten in favor and one against, motion passed.**

Ms. Lorion re-read her proposed motion. Mr. Stockdale said he was not opposed to say the plan is subject to litigation. Ms. Castille asked whether a lawsuit has been filed. Ms. Lorion said the Miccosukee Tribe has filed a lawsuit. Mr. Dean challenged that as a fact and asked for the style of the case. Ms. Lorion said it is part of the amended EFA lawsuit, Miccosukee Tribe versus the EPA. Mr. Dean said this is premature. Ms. Castille suggested they make a motion to remove all reference to lawsuits from the document. Ms. Lorion said the Miccosukee Tribe is a member of the Task Force and if the district’s position is included then the tribe’s position should be included as well and asked whether the Task Force members were being treated unequally. Mr. Grumbles said this was a good document and recognized Linda Friar’s and Marsha Bansee’s hard work. He said it would be reasonable that whether they reference the litigation or not that they mention that the plan is being challenged. Ms. Albright suggested adding the, “the Miccosukee Tribe has challenged the effectiveness of the Long Term Plan.” Ms. Lorion re-read her proposed motion. **Motion failed for lack of second.** Mr. Stockdale made a motion to accept Ms. Albright’s proposed text adding the amended shortened version of the language to be added after “the Long Term Plan” that “The Miccosukee tribe has challenged the effectiveness of the Long Term Plan” and Mr. Grumbles seconded. Mr. Ortner questioned the use of the word “effectiveness”. Mr. Andrew Emrich said he was comfortable with the use of the word. Ms. Lorion said she was not comfortable with this proposed language. Mr. Grumbles stated he was not sure why they were continuing with the discussion if the tribe was not comfortable. **Mr. Stockdale withdrew his motion given the tribe’s objection.**

Public comment

Mr. John Arthur Marshall, Arthur R. Marshall and the Environmental Action Commission (EAC), stated that the EAC works in a friendly way with the SFWMD and recommended in 2002 that RECOVER establish a conceptual ecological model for the Northern Everglades watershed. CERP science has been missing the northern Everglades watershed. They have alerted Mr. Duke to this deficiency recently and he acknowledged the models were out of sync and indicated that he would take this issue. This will have significant impacts and the real reason for the models was that they identified stressors and the need to correct them. There are many things stressing the area where SCRIPPS might be located. It appears that conceptual ecological models would help identify the impacts of SCRIPPS. He requested that RECOVER establish the conceptual ecological models for the Northern Everglades watershed.

Updated costs

Mr. May reported they continue to gather information and review the process for the Total Cost Report. Ms. Lorion noted that the project summary table (Table 10) did not have an authorized project cost column. She noted that Congress would have no way of knowing that Modified Water Deliveries was going over the money authorized for a project adding the project has escalated three-fold. Ms. Lorion made a motion to include an authorized project cost column. Ms. Albright said Interior is in discussion with the Corps and concurs that Congress has every right to know the number, but it is not yet available. Ms. Lorion suggested that a column is also needed for 902 project cost limits. Mr. May noted that would not apply to all of the non Corps projects. Mr. Stockdale noted the rule varies even with some Corps projects. Mr. Barnett said that it would be confusing on the state projects since they get a specific appropriation to do a project and 902 would not apply. Mr. May noted that the 902 system is already in place and working for Corps projects. Ms. Lorion said it is important to show how much costs have escalated and if we did that for every project then CERP will be in trouble. Costs have also gone up for the Indian River Lagoon project. Mr. May noted that they are still awaiting updated information from several agencies. Ms. Lorion made a motion to add a column on either 902 limits or RESTUDY costs. **Motion failed for lack of a second.**

Litigation text

Ms. Lorion made a motion to add two sentences to the end. “The Miccosukee Tribe believes, on the other hand, that litigation has often proved to be the only effective means to force agencies to fulfill their legal duties. Without litigation, the tribe believes restoration would grind to a halt.” Ms. Albright asked

whether she wanted to remove the highlighted area. Ms. Lorion said either way would be fine. Mr. Gray made a motion to remove the highlighted text on page 21 and Mr. Ortner seconded. **Members voted six in favor of deleting text and five against, motion failed.** Ms. Lorion renewed her motion to add the two sentences. **Motion failed for lack of a second.**

Mr. Grumbles suggested using other language such as, “Litigation, however, may be time consuming and costly and it can divert resources.” Mr. Stockdale said he did not believe litigation was always problematic. Ms. Allbright said the role of the Task Force is to find a means for resolving disputes other than litigation. Mr. Dean said he believed the statement was factual. Millions of dollars a year that could be spent on restoration are spent in court. Mr. Stockdale made a motion to use the following language, “Litigation, however, may prove to be time consuming, costly and uncertain and it may divert resources from restoration efforts.” The second sentence would not be included. Mr. Grumbles seconded. **Motion carried nine to one.**

Land acquisition text

Mr. May noted the text begins on page 40. Ms. Lorion made a motion to delete the words “land acquisition is critical to” and insert the words “land acquisition from willing sellers, where necessary and cost efficient, the component of south Florida ecosystem efforts.” The tribe does not believe it is critical and has in many cases slowed progress and has in some cases threatened restoration. The tribe believes they need to look for alternatives such as public/private partnerships and conservation easements, where appropriate. Ms. Castille said she was opposed since they are on the verge of considering eminent domain in order to accomplish the critical restoration of the SGGE projects. **Motion failed for lack of a second.**

Ms. Power asked whether some of Ms. Lorion’s suggested concepts could be added. Mr. Barnett offered to direct staff to some appropriate language. Mr. Stockdale said he liked that idea. Ms. Allbright asked for the proposed language to be provided.

Southern Golden Gate Estates text

Ms. Lorion said the tribe was concerned the text on page 89, the Task Force appears to be endorsing the SFWMD and DEP in the early start before and EIS and PIR have been completed. She added that it violated NEPA to construct prior to completing that study. Mr. May noted that the current text was factual because the state has indeed started this effort. Mr. Dean said it is their position that they have complied with the permitting process. Ms. Lorion said this states it is okay to do an early start. Mr. Stockdale said he did not read it that way and suggested deleting the word “early.” **No action taken.**

Sub-goal 3b - Flood Protection Text

Mr. May directed everyone to page 57. Ms. Gastesi said he liked Ms. Lorion’s proposed language but did not have the okay from his Commissioner. Ms. Lorion said it sounds like flood protection would only be maintained as long as it was consistent with ecosystem restoration. She made a motion to add, “flood control must be maintained at existing levels, or augmented where appropriate.” Mr. Stockdale said he was not opposed to the idea of maintaining flood protection or improving where appropriate but was bothered by the phrase “existing levels” since it raises the question of when or temporal perspective. WRDA 2000 language says to maintain levels in existence on the date of enactment. Ms. Lorion concurred with removing those words. Mr. Barnett said they needed to be careful that these are changes in level of service for flood protection as it relates to federally authorized projects. He suggested not changing the title but beefing up the language on how this will be implemented. They need to say that a federally authorized project shall not diminish an existing level of service. He also suggested the text on page 58 needs to be re-worked and moved up to page 57. Mr. Stockdale agreed. Mr. Dean said he would support that. Ms. Lorion said it would address her concern.

STA3/4 completion

Mr. May directed everyone to page 87. Ms. Lorion said the tribe does not agree that the STA 3/4 was completed on that date and it also missed the settlement agreement deadline to be operated by October 2003. She clarified the disagreement is over acreage, completion and whether it is operational. Mr. Dean disagreed with all of Ms. Lorion’s comments and is the subject of federal litigation. Mr. Stockdale suggested abbreviated text but later withdrew it. Mr. Ortner suggested changing the language to read, “the

construction was substantially completed.” Mr. Dean said construction was completed and explained that once an STA is constructed then you have to do a number of tests, pilot tests on the water quality. The construction was completed on time, in October 2003. Mr. Gray suggested changing the language to read, “the completion of construction on STA 3/4” to the first sentence on page 87. Mr. Dean said that would be fine and the other language would continue. Ms. Allbright noted the motion to include, “the completion of construction.” Ms. Lorion made a motion to include, “it is the position of the SFWMD that STA 3/4 was completed”. Ms. Allbright repeated Mr. Gray’s motion to add to the most significant milestone during this last reporting period would be, “the completion of construction of STA 3/4”. She noted Mr. Gray’s suggestion was a stand alone motion and asked for Ms. Lorion’s to be taken up separately. Ms. Castille seconded motion. Ms. Lorion made a motion to add, “it is the position of the SFWMD that” at the beginning of the motion. It was not agreeable to Mr. Gray and Ms. Castille. Ms. Allbright noted that Ms. Lorion’s motion would be handled separately. Mr. Stockdale said he was unclear of the motion and Mr. Emrich asked whether this was factually accurate. Mr. Dennis Duke reported the construction has been completed. Mr. Stockdale suggested seeing the changes for the entire section in writing. Ms. Allbright agreed it would be helpful for everyone to take a fresh look at that entire section keeping in mind what information is conveyed to Congress with regards to the status of STA 3/4. Mr. Barnett said this statement is factual and construction has been completed and they are in start-up operations. Everything that was required and contemplated has been completed. Phase I construction was completed and enhancements are underway. **The motion passed nine to one.**

Ms. Lorion renewed her motion to add, “it is the position of the SFWMD that” be added to the beginning of the sentence. **Motion failed for lack of a second.** Mr. Stockdale made a motion to table the remaining discussion of STA 3/4 to a future time to be determined. Mr. Grumbles seconded motion to table the discussion. Mr. Gastesi asked what this meant with respect to getting the report to Congress. Mr. May noted comments are requested by August 5th to maintain the current schedule. Ms. Allbright suggested scheduling a follow-up conference call for Friday of this week or early next week. It would provide everyone the opportunity to present language revisions to the third draft. Mr. Lehtinen said they have not voted on these changes. Ms. Allbright said that was correct for the third draft. **Ten members voted in favor with none opposed to table the discussion on this section.**

Ms. Lorion said the Miccosukee Tribe has another issue with regards to the Comprehensive Integrated Water Quality Feasibility Study on page 37. The tribe is concerned with things that have been deleted and changed. She made a motion to add two sentences, “The Miccosukee Tribe believes that this delay is indicative of the overall failure to address water quality on a priority basis. Water quality is an essential component of restoration and such a delay is unwarranted in the tribe’s views”. Mr. May proposed that a revised list of issues be prepared for discussion at the next conference call. He encouraged members to provide their issues for inclusion. Ms. Lorion asked that Mr. Slack provide the Task Force at their meeting in September with the 2004 population estimates on the Cape Sable Seaside Sparrow. Ms. Allbright thanked the members noting the call went an hour beyond what was planned.

Meeting adjourned at 1:51 PM.

Enclosures:

1. Agenda
2. Draft Strategic Plan (July 26, 2004)
3. Issues for discussion – provided via e-mail